IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 10239 of 1997

Between:

Dorepalli Gangaraju, S/o. Lakshmaiah,
R/o. Devulapalli, J.R.Gudem,West Godavari.

..... PETITIONER

AND

1 The Special Tahsildar, Land Acquisition unit No.III,
Jangareddigudem, West Godavari.
2 The District Collector,
Eluru, West Godavari.
3 The Executive Engineer, JR & YR Division,
jangareddigudem, West Godavari.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue order, direction, writ particularly one in the nature of writ of Mandamus and declaring the action of the respondent in not paying the compensation amount as determined in O.P.No.12/84, dated 25/02/1993 by the Sub Ordinate Judge Kovvur, as illegal, arbitrary and violative of the Article 14 of the Constitution of India, and consequentially direct the respondents to pay the compensation amount as determined in O.P.no.12/84, dated 25/02/1993 to the petitioner immediately.

Counsel for the Petitioner:MR.P.R.K.AMERANDRA KUMAR

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following:

ORDER:

The writ petition is filed seeking for a direction particularly one in the nature of writ of Mandamus to declare the action of the respondent in not paying the compensation amount as determined in O.P.No.12/84, dated 25/02/1993 by the Sub Ordinate Judge Kovvur, as illegal, arbitrary and violative of the Article 14 of the Constitution of India, and consequently to direct the respondents to pay the compensation amount as determined in O.P.No.12/84, dated 25/02/1993 to the petitioner and pass such other suitable orders.

It is stated that the petitioner is the owner of the land in an extent of Ac.2.53 cents in R.S.No.57/1 of Devulapalli village, J.R.Gudem Mandal, West Godavari District. It is also stated that the Executive Engineer, Godavari Special Division Eluru applied for acquisition of the land of the petitioner along with other lands situated in Devulapalli village, Kovvur Taluq, West Godavari District for formation of Vengalarayasar Resorvoir, across the Yerrakalava in Devulapalli village. It is also stated that the Land Acquisition Officer issued notification under Section 4 (1) of the Land Acquisition Act invoking the urgency provisions of the aforesaid Act and as per the procedure, the formalities had been complied with. The petitioner received the compensation under protest and made an application under Section 18 of the Land Acquisition Act and the same was referred to the learned Subordinate Judge, Kovvur which was numbered as OP 12 of 1984 and the learned subordinate Judge allowed the same enhancing the

compensation from Rs.4,000/- to 10,000/-. It is also stated that the appeals were preferred as against the orders of the learned Subordinate Judge, who had enhanced the compensation in the aforesaid OP and also in the connected OPs. After hearing both the sides, appeals filed by the Land Acquisition Officer were dismissed and the cross objections filed by the claimants were allowed by this Court. It is stated that the compensation amount is neither paid nor deposited and aggrieved by the inaction, the aforesaid relief had been prayed for.

In *Vemula Prabhakar v. LAO & RDO, Peddapallli, Karimnagar* a full bench of this Court had arrived at a conclusion that no writ can be issued for implementing the award passed by the Civil Court in the land acquisition proceedings, in view of the fact that there is an alternative and efficacious remedy of executing the award as a decree in Civil Court.

In the light of the said decision, the relief sought for in this writ petition cannot be granted and the writ petition itself is not maintainable in view of the fact that the writ petitioner is having an effective alternative remedy to realize the aforesaid compensation by taking appropriate steps by way of execution.

In view of the same, the writ petition is devoid of merits and accordingly, the same shall stand dismissed. No costs.

20-12-2004

rkk *L.R Copy to be marked.*

One fair copy to the Honourable Mr.Justice P.S.Narayana

For His Lordships kind perusal.

To

1 The Special Tahsildar, Land Acquisition unit No.III,
Jangareddigudem, West Godavari.
2 The District Collector,
Eluru, West Godavari.
3 The Executive Engineer, JR & YR Division,
Jangareddigudem, West Godavari.

4. Two CCs to GP for Land Acquisition, High Court buildings, Hyderabad (OUT)

5. Two CD copies.

6. 8 L.R. copies.

7. The under Secretary,Union of India, Ministry of Law and Justice and Company Affairs, New Delhi

8. The Secretary, A.P.Advocates' Association Library, High Court buildings, Hyderabad.